

1 Covid-19 impact on civil proceedings

1.1 Time limits in civil proceedings

General information in English can be found on the Government's [website](#).

Procedural time limits are extended by courts on a case-by-case basis. Courts will take in to account the additional burden, tasks or difficulties for parties to a proceeding due to the crisis.

No legislation on the extension of deadlines, judges have the discretionary power to set longer deadlines in the future or to extend existing deadlines.

However, in order to prevent the spread of the COVID-19 virus by avoiding physical human contacts in care facilities **the amount of time or terms for which mentally ill persons are placed in** a psychiatric hospital or a social welfare institution have been suspended:

in the case of extended provisional protection, for the duration of the emergency situation;

in the case of placement, for the duration of the emergency situation and up to two months after termination of the emergency situation.

This is without prejudice to the obligation to terminate any placement and any application of provisional legal protection after the prerequisites for placement have ceased to exist or it becomes evident that the prerequisites were not fulfilled.

In the area of the **law of obligations**, currently no fundamental changes. The Ministry of Justice has analysed different legal options that are already provided in Estonian law and which could be used during this difficult time. The focus has been on providing explanations and on answering information requests.

There have also been proposals for amending certain rules in the area of law of obligations, but these discussions are still ongoing.

1.2 Judicial organization and Judiciary

State of emergency from 12/03 to 17/05.

Virtual meeting rooms have been created to raise the capacity of the Ministry of Justice, courts, prosecution offices and prisons to hold [video conferences](#).

This solution can also be used to hold oral hearings with parties to proceedings. In addition, available video conference equipment has been relocated to support the increase in demand within courthouses and prisons.

No legislative change regarding court proceedings. The Council for Administration of Courts has issued recommendations. The work of Estonian courts has been reorganized: opening hours of the chancelleries 9.00–13.00 and of the courthouses on working days until 14.00.

Where possible, cases are handled in writing through the Courts Information System and by means of a digital court file application.

Urgent hearings are held and proceedings are conducted by electronic means of communication. If this is not possible, the Court decides on a case-by-case basis whether a hearing or proceedings will be held in court. The following matters can be considered as urgent: placing a person in a closed institution; separating a child from his or her family; establishing guardianship for an adult. In non-urgent cases, electronic means of communication can be used by the court (or any other means necessary), but generally it is recommended that the courts opt to postpone hearings and/or proceedings.

Under the Code of Civil Procedure, the court in exceptional and urgent cases related to children can issue a preliminary / protective order without hearing the child, and many judges have used this possibility.

It is recommended that procedural **documents be served** preferably by e-File and e-mail.

The **Chamber of notaries** authorized notaries to take all measures necessary, such as use of the remote authentication service e-Notar which allows for the performance of notarial acts using a video bridge. Whereas up until 6 April only certain types of acts could be done remotely (issuing a power of attorney, the sale of shares of private limited companies and a few more) then as of 6 April 6, almost all acts can be authenticated remotely, with the exception of concluding a marriage or a divorce). Thus, even real property can be sold and transferred via online authentication. This will also be the case after the emergency situation is terminated. The **Estonian Bar Association** has also encouraged its members to work remotely and to use all technical means of communication to continue providing legal counsel. It has also stressed the need to ensure attorney-client confidentiality. The Bar Association has further emphasized that limitations on rights imposed due to the emergency situation must be justified and should be challenged if this is called for in a particular case. Attorneys also have a duty to adapt quickly to changes in the working environment, show flexibility and innovation and to ensure that the possibilities for requesting extensions for time limits are not abused.

The Chamber of **Bailiffs and Trustees in Bankruptcy** has also announced that bailiffs and trustees in bankruptcy have reorganized their work in order to work remotely.

1.3 EU Judicial Cooperation

The Estonian Central Authority has been teleworking as of 13 March. **Communications (messages and documents) are established by email** (in civil matters and most criminal matters). If needed, original documents will be sent via airmail after the emergency situation ends.

2 Insolvency related measures adopted or planned for adoption in member states after the outbreak of the pandemic

2.1 Substantive insolvency measures and related contracts affecting measure

2.1.1 Insolvency suspension

2.1.1.1 Suspension of duty to file for insolvency (debtors)

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2.1.1.2 Protection of debtors about insolvency filing from creditors

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2.1.2 Claim enforcement suspension and contract termination suspension

2.1.2.1 General / specific moratoria on claims enforcement / certain types of claims enforcement

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2.1.2.2 Suspension of contract termination (general / specific contracts)

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2.2 Civil, including insolvency courts suspension and procedural suspensions

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2.3 Other insolvency measures (those relating to avoidance actions, reorganization plans, informal agreements, and others if appropriate)

The need for **further amendments** in the area of insolvency (e.g. regarding reorganisation plans) that might help to endorse the overcoming of the crisis are currently being analysed.

2.4 Related non-insolvency measures (payment deferrals, bank loans, social security, health insurance, business subsidies)

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